

Sixth Appellate District

San Jose, California

MONDAY, DECEMBER 11, 2000

H019194 PEOPLE v. PORDA

The judgment is reversed and the matter is remanded to the trial court for further proceedings regarding the great bodily injury enhancement allegation.

Initially, the superior court is directed to amend the July 2, 1998, abstract of judgment to omit any reference to a great bodily enhancement pursuant to section 12022.7, subdivision (a) given that defendant did not admit such an enhancement at that time.

At this point, the prosecution may elect to move to dismiss the unadjudicated great bodily injury enhancement allegation and to proceed to a resentencing hearing on the violation of probation for the assault with a deadly weapon conviction. Alternatively, the prosecution may consider asking the trial court to have defendant admit or deny the great bodily injury enhancement allegation. Although we believe neither state nor federal double jeopardy protections bar such further proceedings (see *People v. Monge* (1997) 16 Cal.4th 826; *People v. Saunders* (1993) 5 Cal.4th 580, 592-597), we express no opinion whether any state statutory provision or due process protections preclude the prosecution from trying the great bodily injury enhancement allegation at this time.

Once the great bodily injury enhancement allegation has been dismissed or adjudicated, the trial court should resentence defendant on the probation violation, prepare a new abstract of judgment and forward copies to the appropriate authorities. (not published)

(Cottle, P.J.; We concur: Elia, J., Mihara, J.)

Filed December 11, 2000

H020394 GUERRERO v. WHITE, INC., et al.

The judgment is affirmed. (not published)

(Premo, Acting P.J.; We concur: Bamattre-Manoukian, J., Wunderlich, J.)

Filed December 11, 2000

Sixth Appellate District

San Jose, California

Monday, December 11, 2000 (continued)

H020349 PEOPLE v. JUAN H., A Minor

The jurisdictional and dispositional orders are affirmed.
(not published)

(Wunderlich, J.; We concur: Premo, Acting P.J., Bamattre-
Manoukian, J.)

Filed December 11, 2000

TUESDAY, DECEMBER 12, 2000

The Court met in its courtroom at 333 West Santa Clara
Street, Suite 1060, San Jose, California. Present: Premo, Acting
P. J.; Bamattre-Manoukian, J.; Wunderlich, J.; and R. W.
Norvelle, Deputy Clerk.

H020271 PEOPLE v. FLORES

Cause called and argued by Glenn Dufree appearing for
Appellant and by Gerald A. Engler, Deputy Attorney General,
appearing for Respondent. Cause ordered submitted.

H020123 PEOPLE v. MORGAN-TULLY

Cause called and argued by Lyn Woodward appearing for
Appellant and by Juliet B. Haley, Deputy Attorney General,
appearing for Respondent. Cause ordered submitted.

H020218 PEOPLE v. MALDONADO

Cause called and argued by Sidney C. Flores appearing for
Appellant and by Juliet B. Haley, Deputy Attorney General,
appearing for Respondent. Cause ordered submitted.

H020166 PEOPLE v. CRANOR

Cause called and argued by J. J. Hamlyn appearing for
Appellant and by Ronald E. Niver, Deputy Attorney General,
appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, December 12, 2000 (continued)

H019962 PFEFFERBAUM v. CASPER, et al.

Cause called and argued by Paul N. McCloskey appearing for Appellant Pfefferbaum and by Jeffrey Bleich appearing for Appellants Casper, et al. Cause ordered submitted.

H020311 AJIDA TECHNOLOGIES v. ROOS INSTRUMENTS, INC., et al.

Cause called and argued by Michael A. Vacchio appearing for Appellants and by Kara M. Andersen appearing for Respondent. Cause ordered submitted. Court is adjourned.

H020485 PEOPLE v. HOUSE

The judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Bamattre-Manoukian, J.,
Wunderlich, J.)
Filed December 12, 2000

H020600 U.S. FIDELITY & GUARANTY CO. v. TERASTOR CORP., et al.

The judgment in favor of the insurer USF&G on its declaratory relief action is affirmed. (not published)
(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J.,
Wunderlich, J.)
Filed December 12, 2000

H020796 PEOPLE v. PAREDES

The judgment is affirmed. (not published)
(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J.,
Wunderlich, J.)
Filed December 12, 2000

H021182 PEOPLE v. BRYAN T.

The judgment is affirmed. (not published)
(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J.,
Wunderlich, J.)
Filed December 12, 2000

Sixth Appellate District

San Jose, California

Tuesday, December 12, 2000 (continued)

H019779 ANDERSON, et al. v. BARTINDALE, et al.

The judgment is affirmed. The Andersons, as the prevailing party herein, are awarded the costs of this appeal against the Bartindales. (not published)

(Premo, Acting P.J.; We concur: Bamattre-Manoukian, J., Wunderlich, J.)

Filed December 12, 2000

H020807 PEOPLE v. SANCHEZ

The judgment is affirmed. (not published)

(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J., Wunderlich, J.)

Filed December 12, 2000

H021938 In re ELIAZAR SANCHEZ on Habeas Corpus

The petition for writ of habeas corpus is denied. (not published)

(Premo, Acting P.J.; Bamattre-Manoukian, J., and Wunderlich, J., participated in this decision.)

Filed December 12, 2000

WEDNESDAY, DECEMBER 13, 2000

H020351 PEOPLE v. BETANCOURT

The judgment is affirmed. (not published)

(Premo, Acting P.J.; We concur: Bamattre-Manoukian, J., Wunderlich, J.)

Filed December 13, 2000

H020161 PEOPLE v. GARCIA

The judgment is affirmed. (not published)

(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J., Wunderlich, J.)

Filed December 13, 2000

Sixth Appellate District

San Jose, California

Wednesday, December 13, 2000 (continued)

H020085 PEOPLE v. BEVANS

By the Court*:

Appellant's petition for rehearing is denied.

Filed: December 13, 2000

*Before Cottle, P.J., Elia, J. and Mihara, J.

H020189 PEOPLE v. BUSTAMANTE

By the Court*:

Appellant's petition for rehearing is denied.

Filed: December 13, 2000

*Before Cottle, P.J., Elia, J. and Mihara, J.

H019696 PEOPLE v. HERRERA, SR.

The judgment is affirmed. (not published)

(Elia, J.; We concur: Cottle, P.J., Mihara, J.)

Filed December 13, 2000

THURSDAY, DECEMBER 14, 2000

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Premo, Acting P.J.; Bamattre-Manoukian, J.; Wunderlich, J.; and Jane F. Varize, Deputy Clerk.

H020157 PEOPLE v. WALKER

Cause called and argued by Michael Satris appearing for Appellant and by Christopher Grove, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H020141 PEOPLE v. HILL

Cause called and argued by David Morse appearing for Appellant and by Linda M. Murphy, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

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Sixth Appellate District
San Jose, California

Thursday, December 14, 2000 (continued)

H019380 PEOPLE v. ALDACO

Cause called and argued by Robert Riggs appearing for Appellant and by Bruce Ortega, Deputy Attorney General, appearing for Respondent. Cause ordered submitted. Court is adjourned.

H020229 PEOPLE v. BUTRON

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Cottle, P.J., Elia, J.)
Filed December 14, 2000

H020301 PEOPLE v. KLAUSNER

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Cottle, P.J., Elia, J.)
Filed December 14, 2000

H020041 PEOPLE v. GARCIA

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Cottle, P.J., Elia, J.)
Filed December 14, 2000

H019815 ARANEDA v. STANFORD HEALTH SERVICES

The appeal is dismissed. (not published)
(Mihara, J.; We concur: Cottle, P.J., Elia, J.)
Filed December 14, 2000

H019691 PEOPLE v. BANKS

The judgment is affirmed. (not published)
(Cottle, P.J.; We concur: Elia, J., Mihara, J.)
Filed December 14, 2000

H021250 NOZAWA v. LASER IMPRESSIONS, INC.

The order denying in part the motion to tax is reversed and the matter is remanded. The court is directed to enter a new order granting the motion in full. Appellant shall recover its costs on appeal.

(Cottle, P.J.; We concur: Elia, J., Mihara, J.)
Filed December 14, 2000

Sixth Appellate District

San Jose, California

Thursday, December 14, 2000 (continued)

H021003 PEOPLE v. ANGELICA F.

The judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Bamattre-Manoukian, J.,
Wunderlich, J.)
Filed December 14, 2000

H019508 BANK OF AMERICA v. ZANDSTRA; KITTA

The challenged order is affirmed in all respects. The Bank
shall have its costs on appeal. (not published)
(Wunderlich, J.; We concur: Premo, Acting P.J., Bamattre-
Manoukian, J.)
Filed December 14, 2000

H020274 PEOPLE v. BADUE

The judgment is affirmed as modified. The clerk of the
superior court is ordered to correct the abstract of judgment as
stated herein and to forward the corrected abstract of judgment
to the Department of Corrections (not published)
(Premo, Acting P.J.; We concur: Bamattre-Manoukian, J.,
Wunderlich, J.)
Filed December 14, 2000

FRIDAY, DECEMBER 15, 2000

H020035 PALLET PALLET, INC. v. FULLINGTON

The judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Bamattre-Manoukian, J.,
Wunderlich, J.)
Filed December 15, 2000

H019958 PEOPLE v. HSIEH

The judgment of conviction is reversed. The trial court is
directed to dismiss the information and to order that any fine or
restitution paid by defendant be remitted to him. (not published)
(Wunderlich, J.; We concur: Premo, Acting P.J., Bamattre-
Manoukian, J.)
Filed December 15, 2000

Sixth Appellate District

San Jose, California

Friday, December 15, 2000 (Continued)

H020166 PEOPLE v. CRANOR

The judgment is affirmed. (not published)
(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J.,
Wunderlich, J.)
Filed December 15, 2000

H020372 NIELAND v. NIELAND

The judgment after court trial is affirmed. (not published)
(Premo, Acting P.J.; We concur: Bamattre-Manoukian, J.,
Wunderlich, J.)
Filed December 15, 2000